

C I T Y O F JOHNSCREEK

www.JohnsCreekGA.gov

678-512-3200 ~ (fax) 678-512-3303

12000 Findley Road, Suite 400, Johns Creek, GA 30097

LAND USE PETITION CHECKLIST & APPLICATION FORM REZONING, USE PERMIT & CONCURRENT VARIANCE

INSTRUCTIONS

A properly completed application and fees are due at the time of submittal. The submittal deadline is the first Tuesday of each month. **An incomplete application will not be accepted.**

APPLICATION MATERIALS

REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input type="checkbox"/>
In addition to required items listed below, provide one (1) original 8 ½" x 11" packet of <u>all</u> submitted materials and a digital copy of <u>all</u> submitted materials in .JPEG, .TIFF, .PDF or .DOC format.		
Pre-Application Meeting Form	• One (1) Copy	
Site Plan with Legal Description	• Ten (10) 24" x 36" Site Plan Copies • Three (3) 11" x 17" Site Plan Copies • Three (3) 8 ½" x 11" Legal Descriptions	
Building Elevations (Attached Residential & Non-Residential)	• Three (3) Copies	
Letter of Intent	• Three (3) Copies	
Zoning Impact Analysis Form	• Three (3) Copies	
Environmental Site Analysis Form	• Three (3) Copies	
Disclosure Form	• Three (3) Copies	
Public Participation Plan & Report—¼ Mile List	• One (1) Copy	
Applicant Acknowledgement Form	To be Completed at Time of Submittal	
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study	• Three (3) Copies	
Metropolitan River Protection	• Three (3) Copies	
MARTA Corridor Area Plan Review	• Three (3) Copies	
Development of Regional Impact Review Form	• Three (3) Copies	
Environmental Impact Report	• Three (3) Copies	
Noise Study Report	• Three (3) Copies	

OFFICE USE ONLY		SUBMITTAL DATE STAMP
LAND USE PETITION CASE #:		
FEES COLLECTED:	STAFF INITIALS:	

PUBLIC HEARING INFORMATION

The Planning Commission *generally* holds public hearings on the first Tuesday of each month at 7:00 PM at City Hall. The Planning Commission makes a recommendation that is forwarded to the Mayor and City Council.

The Mayor and City Council *generally* hold public hearings on the fourth Monday of each month at 7:00 p.m. at City Hall.

PUBLIC NOTIFICATION

Public notification shall be the responsibility of the applicant. If the applicant can not fulfill the notification requirements, please contact the Community Development Department prior to the deadlines listed below. Failure to meet these deadlines will result in a postponement of the public hearing. The applicant shall incur all costs associated with the public notification requirements. The applicant shall be responsible for the following notifications:

- The applicant shall post a sign as issued by the Community Development Department in a conspicuous location on each public street frontage of the subject site, **at least 20 days**, but not more than 45 days, **prior to the public hearing** at which an application will be heard. The sign is prepared by Expert Signs on behalf of the Applicant at the direction of the City. A fee of \$88 per sign is required. Expert Signs can post the sign(s) at the applicant's request for a fee of \$65/hour. Please contact Expert Signs for coordinating payment and installation of the sign.

Expert Signs
10350 Medlock Bridge Road
Johns Creek, GA 30097
Phone: 770-232-2700

- The applicant shall draft a 'notice of public hearing' letter and send by regular mail **no less than 15 days prior to the hearing** date. The notice shall contain the date, time, place and purpose of the hearing and shall be sent to all property owners within 300 feet of the boundaries of the property who appear on the current tax records of Fulton County as retrieved by the County's Geographic Information System. <http://wms.co.fulton.ga.us>. Return mailing affidavit, Form 3877 (attached hereto), to staff within 7 days of mailing.

If the Planning Commission or Mayor and City Council defer a petition, it is the applicant's responsibility to contact the Expert Signs to pick up new signs and re-post the property 20 days prior to the next hearing date. When a petition is deferred by the Mayor and City Council for less than 20 days, posting an updated sign is not required. Renotification by mail is not required when a petition is deferred by the Mayor and City Council.

STAFF REPORT

Approximately two weeks prior to the public hearings, the Department of Community Development will publish its findings, recommendations and comments in the Staff Report. Please contact the Department at (678) 512-3200 for additional information.

PARCEL INFORMATION

Assessor's Parcel Identification Number (PIN): _____

Land Lot & District: _____

Site Address: _____

Subdivision Name: _____

Parcel Size: _____

ZONING AND LAND USE

Proposed Zoning Designation: _____

Proposed Concurrent Variance(s): _____

Proposed Use Permit: _____

Existing Zoning Designation and Case Number: _____

Zoning of Surrounding Properties: (N)_____ (S)_____ (E)_____ (W)_____

PROPERTY OWNER/APPLICANT INFORMATION

Property Owner(s): _____ Phone: _____

Email: _____

Applicant/Petitioner: _____ Phone: _____

Email: _____

Contact Person: _____ Phone: _____

Email: _____

BRIEFLY DESCRIBE REZONING, CONCURRENT VARIANCE, USE PERMIT REQUEST(S)

PROPERTY OWNER(S) NOTARIZED CERTIFICATION

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. If additional materials are determined to be necessary, they understand that they are responsible for filing additional materials as specified by the City of Johns Creek Zoning Ordinance.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application

Property Owner Signature: _____ **Date:** _____

Address: _____ **City, State:** _____ **Zip Code:** _____

Phone Number: _____

Sworn to and subscribed before me this _____ Day of _____ 20_____

NOTARY PUBLIC:

Property Owner Signature (If Applicable): _____ **Date:** _____

Address: _____ **City, State:** _____ **Zip Code:** _____

Phone Number: _____

Sworn to and subscribed before me this _____ Day of _____ 20_____

NOTARY PUBLIC:

Property Owner Signature (If Applicable): _____ **Date:** _____

Address: _____ **City, State:** _____ **Zip Code:** _____

Phone Number: _____

Sworn to and subscribed before me this _____ Day of _____ 20_____

NOTARY PUBLIC:

APPLICANT/PETITIONER NOTARIZED CERTIFICATION

Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Type or Print Applicant/Petitioner Signature: _____

Applicant/Petitioner Signature: _____ **Date:** _____

Address: _____ City, State: _____ Zip Code: _____

Phone Number: _____

Sworn to and subscribed before me this _____ Day of _____ 20_____

NOTARY PUBLIC:

Type or Print Attorney/Agent Name: _____

Attorney/Agent Signature: _____ **Date:** _____

Address: _____ City, State: _____ Zip Code: _____

Phone Number: _____

Sworn to and subscribed before me this _____ Day of _____ 20_____

NOTARY PUBLIC:

EXPLANATION OF REQUIRED ITEMS

Pre-Application Review Form—Prior to submitting an application, all applicants are required to meet with a current planner who will review the applicant's proposal and site plan and complete a Pre-Application Review Form

Site Plan with Legal Description—Site Plan shall contain all items listed on the Site Plan Checklist (attached hereto) pursuant to Article 28.5.2. of the Zoning Ordinance. The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.

Letter of Intent—The Letter of Intent should state the requested rezoning and use permit(s) and should include factual details about the proposed use(s), such as number and square footages of buildings, number of residential units, minimum heated floor area of residential units, number of fixed seats in places of worship, number of employees and beds in assisted living facilities, personal care homes and nursing homes, number of employees and students in day care facilities, number of classrooms and number of students in schools, hours of operation, and number and use of playing fields. If concurrent variances are requested, the Letter of Intent should clearly state the requested variances and include explanations of hardships and any other reasons why the development standards cannot be met. If a rezoning request is for a CUP, NUP or MIX district, the Letter of Intent should detail the proposed development standards.

Impact Analysis—All rezoning applications must include an Impact Analysis Form (attached hereto). An Impact Analysis is not required for Use Permits.

Mailing Affidavit—Form 3877 (attached hereto) Notarized original to be submitted within 7 days of mailing.

Environmental Site Analysis—All Land Use Petitions must include an Environmental Site Analysis (ESA) identifying environmental conditions on the site to determine if the proposed use may be considered environmentally adverse. Refer to Environmental Site Analysis Form (attached hereto) for specific instructions

Disclosure Form— If the owner, applicant and/or applicant's representative, attorney or agent has made a campaign contribution to the Mayor or any member of the City Council for \$250.00 or more within the past 2 years, Sections 1 through 4 of the Disclosure Form (attached hereto) must be completed. If no contributions have been made, *No* should be circled and Section 4 of the form completed.

Public Participation Plan & Report—The Public Participation Plan (attached hereto) is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of the City of Johns Creek have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and City staff. Applicants are required to submit a Public Participation Plan (attached hereto) at the time of the filing of the rezoning/use permit application. The Public Participation Plan Report must be completed and filed no later than 15 days before the Planning Commission hearing.

THRESHOLDS FOR ADDITIONAL STUDIES, REPORTS AND FORMS

Traffic Impact Study: When a project equals or exceeds the thresholds listed below, a traffic impact study must be submitted. The traffic impact study shall be prepared by a qualified traffic engineer or transportation planner in accordance with professional practices.

Thresholds for Traffic Impact Study	
Use	Size
Single family residential	500 units
Multifamily residential	700 units
Office	300,000 square feet
Hospital	375 beds
Commercial	175,000 square feet
Hotel/Motel	600 rooms
Industrial	500,000 square feet
Any mixed-use development that exceeds 500 peak hour trips as based on the standards of the Institute of Transportation Engineers (ITE) Handbook.	

Metropolitan River Protection: If the property is within 2,000 linear feet of the natural riverbank of the Chattahoochee River, it is part of the Chattahoochee River Corridor and subject to a Metropolitan River Protection Act Review. Applicants must complete the appropriate letter/form and submit it with all rezoning/use permit applications. The letter/form is available from the Department of Community Development.

Marta Corridor Form: If the property is in the proposed MARTA Corridor (within 200 feet of the planned centerline), a MARTA Corridor Plan Review form must be filed with the rezoning application.

Development of Regional Impact (DRI): The Department of Community Affairs (DCA) has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Johns Creek. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available appropriate agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details contact the ARC at www.georgiaplanning.com/planners/dri/ and GRTA at www.grta.org/dri/home.htm or at 404-463-3000.

Environmental Impact Report: Any rezoning to M-1A, M-1 or M-2 or specific use categories identified in Article 19.4 of the Zoning Ordinance, as may be deemed environmentally adverse, shall include an Environmental Impact Report as part of the rezoning/use permit process.

Noise Study report: Any rezoning/use permit located in an area exceeding a DNL of 65dBA within 500 feet of a principal arterial and/or expressway; within 750 feet of an active railroad line; or within the Hartsfield-Jackson Airport Noise Contours must submit a Noise Study Report.

Effective January 1, 2005
DEVELOPMENTS OF REGIONAL IMPACT
Tiers and Development Thresholds

Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meet or exceed a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity
Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by more than 50 percent
Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See The City of Johns Creek Subdivision Regulations)
25. Wetlands shown on the City's GIS maps or survey; and

ZONING IMPACT ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
3. Does the property to be rezoned have a reasonable economic use as currently zoned?
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
5. Is the zoning proposal in conformity with the policies and intent of the land use plan?
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek?

ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

ENVIRONMENTAL SITE ANALYSIS (ESA) FORM (CONTINUED)

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
 - b. Protection of water quality
 - c. Minimization of negative impacts on existing infrastructure
 - d. Minimization on archeological/historically significant areas
 - e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
 - f. Creation and preservation of green space and open space
 - g. Protection of citizens from the negative impacts of noise and lighting
 - h. Protection of parks and recreational green space
 - i. Minimization of impacts to wildlife habitats

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. **CIRCLE ONE:** **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)
- In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) _____

Signature: _____ Date: _____

PUBLIC PARTICIPATION PLAN & REPORT

GENERAL REQUIREMENTS

The Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.

Part 1 of the process is the Public Participation Plan which is required with all rezoning and/or use permit applications. The plan must be filed simultaneously with the application and implemented before the first public hearing. The minimum standards for the plan are as follows:

- Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
- Explanation of how interested parties will be informed of rezoning/use permit applications.
- Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified above of the purpose, place and time of the meeting.
- Applicant's schedule for completion of the Public Participation Plan

Part 2 of the Public Participation Program is the Public Participation Report which is required to be filed with the Community Development Department no later than seven (7) business days before the scheduled Mayor and City Council hearing. The minimum standards for the report are as follows:

- Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.
- Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.)
- Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets)
- A summary of concerns and issues expressed by interested parties.
- A summary of the applicant's response to concerns and issues.

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the Public Participation Plan.

PUBLIC PARTICIPATION PLAN & REPORT (CONTINUED)

PUBLIC PARTICIPATION PLAN (Due at the time of initial filing)

Prepare a Plan that includes the following minimum standards:

1. Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
2. Explanation of how interested parties will be informed of rezoning/use permit applications.
3. Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified in 1. above, of the purpose, place and time of the meeting.
4. Applicant's schedule for completion of the Public Participation Plan.

PUBLIC PARTICIPATION PLAN REPORT (Due no later than 15 days prior to Planning Commission meeting)

Prepare a Report that includes the following minimum standards:

1. List the parties that were notified of the requested rezoning/use permit;
2. List the meetings which were held regarding this petition: (Include the date, time and meeting location.)
3. List the issues and concerns that were expressed:
4. The applicant's response to issues and concerns was as follows:
5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.